1	IN THE UNITED STATES DISTRICT COURT	
2	FOR THE DISTRICT OF ALASKA	
3		
4	UNITED STATES OF AMERICA,	
5	Plaintiff,	
6	v.	Case No. 3:16-cr-00099-TMB-KFR
7	TAGALOA TANUVASA,	
8	Defendant.	
9		
10	FINAL REPORT AND RECOM	MENDATION UPON AN ADMISSION
11	Upon Defendant's request to en	nter admissions, pursuant to Federal Rule of
12	Criminal Procedure 32.1 and 18 U.S.C. § 3583, to Allegations One through Four of the	
13	Petition, [Doc. 113], charging the following violations:	
14	1. Allegation One: Use of controlled	d substances on or about August 4, 2022;
15	2. Allegation Two: Use of controlle	d substances on or about August 7, 2022;
16	3. Allegation Three: Use of control	lled substances on or about August 12, 2022;
17	and	
18	4. Allegation Four: Use of controlle	ed substances on or about August 30, 2022,
19	this matter came before the Magistrate Judge, with the verbal consents of Defendant,	
20	counsel for Defendant, and counsel for the United States.	
21	The matter came before this Cou	art for a hearing on Defendant's admission, in
22	open court and on the record.	
23	In consideration of that hearing	g and the colloquy made by Defendant under
24	oath, on the record, in the presence of	of counsel, and the remarks of the Assistant
25	United States Attorney,	
26	A. I make the following FINDINGS – that Defendant understands:	
27	☐ That any false statements	made by Defendant under oath may later be

used against him in a prosecution for perjury;

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1	oxtimes The right to deny the allegations;	
2	oxtimes The nature of the allegations against Defendant;	
3	oxtimes The maximum possible sentence, including imprisonment, any	
4	mandatory sentence of imprisonment, that supervision may follow a	
5	term of imprisonment, and the applicable sentencing guideline range;	
6	oxtimes The right to a revocation hearing;	
7	oxtimes The right to be represented by counsel and, if necessary, to have the	
8	court appoint counsel at trial, and at every other stage of the	
9	proceedings;	
10	oxtimes The right to: confront and cross-examine adverse witnesses, to remain	
11	silent, to testify and present evidence, and to compel the attendance of	
12	witnesses;	
13	☑ That an admission operates as a waiver of hearing rights;	
14	oxtimes That Defendant knowingly, intelligently, and voluntarily waives all right	
15	to appeal or collaterally attack (except on the grounds of ineffective	
16	assistance of counsel and the voluntariness of his admissions); and	
17	oxtimes That in determining a sentence, the court's obligation to calculate the	
18	applicable sentencing guideline range pursuant to the Sentencing	
19	Guidelines promulgated by the United States Sentencing Commission	
20	and to consider that range, as well as departures under the Sentencing	
21	Guidelines, and variances under 18 U.S.C. § 3583(e).	
22	B. I further FIND:	
23	1. Defendant is competent to enter informed admissions;	
24	2. Defendant is aware of his rights and has had the advice of legal counsel;	
25	3. That the admissions by Defendant have been knowingly and voluntarily	
26	made and is not the result of force, threats, or coercion;	
27	4. There is no agreement between the parties in this open admission; and	
28	That there is a factual basis for Defendant's admission	

## 1 **B. I RECOMMEND:** 2 ☑ That the District Court accept Defendant's admissions to Allegations One 3 through Four of the Petition. 4 D. IT IS ORDERED: 5 The Disposition Hearing will be held before a United States District Judge. 6 The parties jointly request a Disposition Hearing before a United States District 7 Judge the earliest available date. 8 DATED this 5th of October 2022, at Anchorage, Alaska. 9 s/ Kyle F. Reardon 10 KYLE F. REARDON United States Magistrate Judge 11 District of Alaska 12 13 This Report and Recommendation is being issued as a Final Report and 14 Recommendation. Pursuant to Fed. R. Crim P. 59(b)(3), any objections will be 15 considered by the District Court Judge who will accept, reject, or modify the 16 recommendation following de novo review. Any objections must be filed within 17 seven (7) days from the date of service of this Report and Recommendation. The 18 shortened objection deadline is due to the request of the District Court Judge. Fed. 19 R. Crim P. 59(b)(2) and D. Ak. L.M.R. 6(a) authorizes the court to alter the standard 20 objection deadlines. 21 22 Reports and recommendations are not appealable orders. Any notice of appeal 23 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District 24 Court's judgment.1 25 26 27 28 <sup>1</sup> See Hilliard v. Kincheloe, 796 F.2d 308 (9th Cir. 1986).